# Twitter Thread by Jennifer Cohn ✍■ ■



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## Good news! The New York State Board of Elections voted yesterday to REJECT certification of ES&S's ExpressVote XL all-in-one barcode ballot marking device (BMD), a glitchy & hackable touchscreen that ES&S has hoped officials would stupidly buy in lieu of pen and paper. 1/

> It\u2019s official. The @NYSBOE rejected the certification of the ExpressVote XL.
>
> Now lawmakers should pass legislation that bans hybrid machines like the ExpressVote XL for good. https://t.co/hE83CTdgiJ
>
> — Common Cause NY (@commoncauseny) January 28, 2021

I'm still trying to find out @NYSBOE's reasoning, but I know one problem was that the ExpressVote XL runs on Windows 7 and can only mark ballots in English. If the XL were a person, it would be a MAGA. 2/

The XL has other problems. It runs the barcode "paper ballot" back under the printout AFTER the voter reviews it, which experts say means it could be maliciously programmed to eff with the barcode that is the only part of the "paper ballot" counted as your vote. 3/

Unfortunately, Philadelphia did choose the ES&S ExpressVote XL all-in-one ballot marking device (BMD), ignoring expert advice. I wrote about that unfortunate decision here in 2019. 4/ https://t.co/re8VfGRnLw

Here, for @NYRBooks, I also discuss problems involving the ES&S ExpressVote XL in PA in 2019. ES&S lobbyists had secretly donated to the two decision makers who then chose this system in Philly in lieu of #HandMarkedPaperBallots (pen & paper). 5/ https://t.co/dJv99FEq0f

6/ Screenshots from my piece in post 5.

In early 2019, Pennsylvania Auditor General Eugene DePasquale reported that election officials in at least eighteen Pennsylvania counties had accepted donations or other gifts from voting-machine vendors. Philadelphia then proceeded to ignore experts and election integrity advocates by choosing ES&S ExpressVote XL ballot-marking devices. The Philadelphia Controller, the city's official finance watchdog, later discovered that ES&S lobbyists had donated to the decision makers' campaigns, providing grounds to cancel the contract. The city fined ES&S $2.9 million for failing to disclose the lobbyists' donations, but reaffirmed the contract.

Other Pennsylvania counties followed Philadelphia's lead, including Northampton County, where XL machines failed so spectacularly in voting last month that they had to be cracked open so that the machine-marked printouts could be counted on different machines, revealing that "a candidate that the XL showed getting just fifteen votes had won by about 1,000." Some voters during that election also reported that the machines were "hypersensitive" and mysteriously "defaulted" to the Republican Party. One such voter quoted by *The New York Times* said:

7/ Here, I again wrote about problems involving the ExpressVote XL. https://t.co/mbxFpCpFoQ

ES&S downplays problems w/ its systems. Thus, the only way to really know what occurred is with public records requests. @RGarella did one in 2019 & found that, "'poll workers & technicians reported issues with the new [XL] machines at more than 40 % of polling locations,' ... 8/

...yet the voting machine vendor ES&S said that 'it was 'simply inaccurate' for anyone to imply there were widespread issues.'" 9/

As written, HR1 would allow jurisdictions to force all in person voters to use the ExpressVote XL or other glitchy touchscreens, as long as voters have the option to vote by mail. That isn't good enough. 10/

At a minimum, HR1 must be amended to require that jurisdictions give voters the option to mark their ballots with a pen (rather than a touchscreen) AT THE POLLS (for jurisdictions w/ in person voting). We Please tell ur members of Congress. TY. #PensAtThePolls 11/

